

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL NO.:
v.	*	SECTION:
JEFFREY LEHRMANN	*	VIOLATION: 18 U.S.C. § 4
	* * *	

FACTUAL BASIS

If this matter were to go to trial, the Government would prove beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible exhibits, the following facts to support the allegations in the Bill of Information, now pending against defendant **JEFFREY LEHRMANN**, charging the defendant with misprision of a felony, in violation of Title 18, United States Code, Section 4. From September 4, 2005, until October 2009, the defendant knew of a conspiracy among officers with the New Orleans Police Department (NOPD) to obstruct justice and engage in misleading conduct in connection with the investigation of a police-involved shooting that occurred on the Danziger Bridge in New Orleans on September 4, 2005. The conspiracy that defendant **LEHRMANN** knew of and failed to report was a conspiracy, in violation of Title 18,

United States Code, Section 371, to obstruct justice and engage in misleading conduct in violation of Title 18, United States Code, Sections 1519 and 1512(b)(3).

The Shooting and the Start of the Conspiracy

In September 2005, defendant **LEHRMANN** was a detective assigned to NOPD's Seventh District. On September 4, 2005, in the wake of Hurricane Katrina, the defendant and his fellow Seventh District officers were working out of a temporary station at the Crystal Palace on Chef Menteur Highway. That morning, defendant **LEHRMANN** was at the Crystal Palace when he learned of a radio call for police assistance at the Danziger Bridge. Numerous NOPD officers loaded into a large Budget rental truck and headed toward the bridge. Defendant **LEHRMANN** responded to the scene and arrived as the officers from the Budget truck were engaged in a shooting on the east side of the bridge that resulted in the death of one civilian (later identified as J. B.), and the wounding of four other civilians (later identified as J. H. and three other members of the B. Family). The defendant did not see any of the civilians carrying guns and did not see any civilians running up and over the bridge. While the defendant was on the east side of the bridge, some of the officers from the Budget truck crossed to the west side and engaged in a second shooting on the west side of the bridge that resulted in the death of another civilian (later identified as Ronald Madison, a 40-year-old severely disabled man).

When the shooting ended, defendant **LEHRMANN** saw the dead or severely-injured civilians on the east side of the bridge and noticed that there were no guns on or

near the civilians. Defendant **LEHRMANN** remained on the east side of the bridge and tended to the injured civilians until medical assistance arrived. Defendant **LEHRMANN** assisted the medical personnel in treating the wounded and loading them into ambulances, after which he escorted the ambulances to a nearby hospital. At no time on the bridge did any officer tell defendant **LEHRMANN** that the civilians had shot at officers and at no time did any officer say anything to the civilians about the civilians having shot at officers. At no time did any of the civilians make any statements about having fired at anyone.

Thereafter, back at the Crystal Palace, defendant **LEHRMANN** talked to his supervisor (the Investigator), who had been assigned to investigate the shootings on the bridge. When defendant **LEHRMANN** asked the Investigator what had happened on the bridge, the Investigator told the defendant “[Officer A] shot an innocent man.” At that point, defendant **LEHRMANN** concluded that the shootings on the bridge were “bad shoots.” The defendant also learned that the officers involved in the shootings (collectively, the shooters) had met with the Investigator while defendant **LEHRMANN** was at the hospital and had started developing a false story to justify the incident.

During the weeks that followed, defendant **LEHRMANN** assisted the Investigator and the shooters in the development of their false stories. Specifically, the defendant discussed the false stories with the Investigator, and sometimes with Sergeant A and Sergeant B (two of the shooters), and then communicated ideas and suggestions to the

other shooters to make sure that they would go along with the stories being devised. Over the course of time, the defendant, the Investigator, Sergeant A, and Sergeant B changed the story about what happened on the bridge in order to make the false story appear more plausible.

For example, even though the civilians who were shot on the east side of the bridge (J. B. and the B. Family) were not traveling with the civilians who were shot at on the west side (the Madisons) and were not together with them at the time of the shooting, the officers eventually decided to say that the civilians were all traveling in one group. The story evolved in this direction because the officers planned to say that both groups of civilians had fired at officers, and the officers realized that it would not be credible to say that two separate groups of civilians both happened to be armed and both happened to fire on officers without cause.

Over the course of several weeks, defendant **LEHRMANN** met with the officers to discuss their stories about the shooting. Defendant **LEHRMANN** then assisted the Investigator and Sergeant A in writing up summaries of the stories developed and provided by the officers. As the defendant, the Investigator, and Sergeant A memorialized the shooters' accounts, defendant **LEHRMANN** discussed those accounts with the officers to make sure that the officers were "okay" with the accounts being attributed to them.

During the meetings with the shooters, defendant **LEHRMANN** discussed ways the shooters could change their stories to help justify the shootings. For example, defendant **LEHRMANN** met with Officer A, who had shot and killed Ronald Madison, and passed on to Officer A the suggestion, developed in consultation with the Investigator and Sergeant A, that Officer A should say that Madison had looked at Officer A and had turned toward him several times while reaching toward his waistband. Officer A then provided these details to be memorialized in the account of his statement.

During the several weeks after the incident, defendant **LEHRMANN**, the Investigator, Sergeant A, and Sergeant B also discussed how they could use Hurricane Katrina as an excuse for failures in the investigation of the Danziger Bridge shootings and thereby use the storm to help make the entire situation “go away.”

For example, the Investigator did not collect evidence, such as spent shell casings, from the Danziger Bridge on the day of the shooting. The Investigator told defendant **LEHRMANN** that they could use Hurricane Katrina as an excuse for their failure to immediately collect evidence from the scene.

Weeks later, before NOPD had processed the scene of the shootings, defendant **LEHRMANN** and Sergeant A drove to the Danziger Bridge, where defendant **LEHRMANN** watched as Sergeant A kicked spent shell casings off of the bridge.

The False Report

The Investigator and defendant **LEHRMANN**, working together, typed up a draft report of the Danziger Bridge incident. The report included summaries of the false statements provided by the officers in consultation with the Investigator and the sergeants.

Falsified Victim Interviews

The report also included falsified summaries of interviews with two of the victims of the Danziger Bridge shooting. Specifically, the report contained the false claim that S. B. and L. B., two of the civilians who were shot on the bridge, had both admitted to the Investigator and defendant **LEHRMANN** that they had seen their nephew, who was also shot on the bridge, fire a gun at police officers. Although defendant **LEHRMANN** and the Investigator had, in fact, interviewed S. B. and L. B., neither S. B. nor L. B. admitted that anyone in their group had fired, or even possessed, a gun. The Investigator decided that the falsified interview accounts would be added to the report in order to make the nephew, J. H., “culpable” in the Danziger Bridge shooting.

The report also contained the false claim that two civilian eyewitnesses, “Lakeisha Smith” and “James Youngman,” had witnessed parts of the shooting and had offered information justifying the officers’ actions. Specifically, the report included the fabricated claim that “Lakeisha Smith” had witnessed the shooting of Ronald Madison and had told the Investigator at the scene that she had seen Madison reach into his

waistband and turn toward officers in the street right before being shot, and that she recognized Madison and his brother as perpetrators who had been looting and robbing people since the storm. In fact, “Lakeisha Smith” did not exist, and was made up by the Investigator. While the Investigator was working on writing his report, he called out to a group of officers, “Hey, somebody give me a name!” In response, defendant **LEHRMANN** made up the name “Lakeisha” and called it out. The Investigator then typed the name “Lakeisha” into the report and made up a witness statement for the phony witness.

Similarly, the report contained the false claim that another alleged eyewitness, “James Youngman,” had seen the shooting on the east side of the bridge and had told the Investigator at the scene that the civilians had fired first at the officers, and that the officers had fired in response. “James Youngman” also did not exist, and was made up by the Investigator. When the Investigator made up an address for “Youngman,” he chose the address of a large apartment building because the size of the building would help explain why “Youngman” would never be found (in fact, the Investigator got the address wrong, and typed in an address that was one digit off of the correct address for the apartment building).

_____ *The Planted Gun*

The report also contained a false claim that the Investigator had returned to the bridge the day after the shooting and had found a revolver in the grass under the area where J. B. and the B. Family had been shot. In fact, the story about the gun was a lie.

Sometime several weeks after the incident, the Investigator testified in a state court hearing against Lance Madison, who had been arrested on the bridge for allegedly shooting at police officers. After the hearing, the Investigator told defendant **LEHRMANN** that he had testified that a gun had been found under the Danziger Bridge. The Investigator also told defendant **LEHRMANN** that the judge had not believed him. Shortly thereafter, the Investigator, defendant **LEHRMANN**, Sergeant A, and Sergeant B went for a ride in the Investigator's car. The officers drove to the Investigator's home, where the Investigator retrieved a bag from a storage container in the garage. When the defendant asked the Investigator what was in the bag, the Investigator responded, "a ham sandwich." Defendant **LEHRMANN** then looked in the bag and saw a revolver that would be used in the Danziger Bridge investigation. Defendant **LEHRMANN** asked the Investigator if the gun was "clean" (meaning that it could not be traced back to another crime). After the Investigator assured the officers that the gun was "clean," they all went along with the plan to plant the gun. The Investigator explained that he would claim to have returned to the scene on September 5, the day after the shooting, and to have found the gun under the part of the bridge where the B. Family had been shot.

On October 11, 2005, the Investigator and defendant **LEHRMANN** turned in the gun to NOPD's Central Evidence and Property, and filled out paperwork claiming that the gun was evidence in the Danziger Bridge case. Specifically, defendant **LEHRMANN**, at the instruction of the Investigator, filled out paperwork claiming that the gun had been "confiscated" from "Lance Madison." Defendant **LEHRMANN** and the Investigator completed this paperwork even though they knew the gun had actually been planted by the Investigator.

"Deputy Sheriff" D. R.

The report identified "Deputy Sheriff [D. R.]" as one of the victims of Attempted Murder of a Police Officer. In fact, defendant **LEHRMANN** and the Investigator both knew, before the Danziger Bridge investigation was transferred to the Major Case/Homicide Unit in October 2005, that D. R. was not a law enforcement officer. Sometime in the weeks following the shooting, the Investigator learned during a phone call that D. R. was not a deputy. When the Investigator hung up the phone, he passed on that information to defendant **LEHRMANN**. Despite having this information, the defendant and the Investigator, in the report they typed up, continued to identify D. R. as a deputy sheriff and a victim of Attempted Murder of a Police Officer.

Submission of the false report

Sometime approximately in October 2005, the Investigator submitted to his Lieutenant the report that had been written by the Investigator, with assistance from

defendant **LEHRMANN** and Sergeant A. Before submitting the report, the Investigator had each of the shooters review the portion of the report summarizing that officer's statement. After getting approval from the shooters, he submitted the report to his Lieutenant. The Lieutenant reviewed the report and sent it back to the Investigator several times for revisions. Eventually the Lieutenant, displeased with the various drafts of the report, argued with the Investigator and then wrote his own version of the report. The Lieutenant gave the report to the Investigator for him to submit as his own report.

The Secret Meeting and the Taped Statements

On January 25, 2006, defendant **LEHRMANN** helped the Investigator and other officers from the Homicide Unit take official, audiotaped statements from the shooters. On that day, before the statements were taken, the Investigator and another Sergeant from Homicide had a "secret meeting" with the shooters during which he showed them a report about the incident and instructed them to make sure they had their stories straight before they went on tape. The meeting was held in the gutted-out Seventh District building, which had been abandoned since the storm. The meeting was attended by the shooters (except for one shooter who had resigned from NOPD), the Investigator, the Homicide Sergeant, and the Lieutenant.

After the meeting, defendant **LEHRMANN** interviewed Officer B, one of the shooters from the bridge. Officer B had previously claimed not to have fired a gun on the bridge, and had previously claimed that he had chased a juvenile, known to defendant

LEHRMANN as the son of S. B. and L. B., down and under the bridge. However, another shooter, Sergeant A, had given a statement in which he claimed that he had kicked the civilians' weapons off of the bridge into the same grassy area where Officer B claimed to have run while chasing the juvenile, and there was no explanation for why any officer would have run into the grassy area without picking up the guns as evidence. Officer B therefore changed his story and claimed, in his official statement, that he did not ever go under the bridge. Instead, during the taped statement, Officer B claimed that he had fired his gun at a black male subject (as the subject ran away down the bridge) because the subject had turned toward Officer B while reaching for a shiny object in his waistband. Even though defendant **LEHRMANN** knew that Officer B had previously claimed not to have fired any shots on the bridge, had previously claimed to have run under the bridge, and had not previously mentioned anything about the subject reaching for a shiny object, defendant **LEHRMANN** failed, during the taped interview, to question Officer B about any of those inconsistencies.

When defendant **LEHRMANN** and his co-conspirators provided false and misleading information and falsified reports, they intended to keep truthful information from NOPD supervisors, the Orleans Parish District Attorney's Office, the FBI agents monitoring the case, and anyone else who would later review the investigative report of the Danziger Bridge incident.

False Statements to the Federal Bureau of Investigation (FBI) and the Grand Jury

In February 2009, defendant **LEHRMANN** provided a voluntary statement to a special agent with the FBI. In the statement, defendant **LEHRMANN** told numerous lies, and concealed the fact that he knew of and participated in a cover-up of the Danziger Bridge shootings. In July 2009, defendant **LEHRMANN** again spoke with federal investigators. At that time, defendant **LEHRMANN** came forward with partial truths about the cover-up, but continued to lie about his own involvement in the crime. On July 29, 2009, defendant **LEHRMANN** provided false testimony to the federal grand jury when he claimed, among other things, that he first learned on October 11, 2005, that the Investigator claimed to have found a gun under the bridge.

Miscellaneous Matters

At no point during the investigation of the Danziger Bridge incident did defendant **LEHRMANN** take any compelled statement from any officer. At no point did defendant **LEHRMANN** learn of any other NOPD personnel taking any compelled statement from any officer. At no point did defendant **LEHRMANN** learn of any administrative inquiry into the Danziger Bridge shooting, as the investigation of the incident was, from the start, criminal in nature. Moreover, the matter was investigated as a criminal case of Attempted Murder of a Police Officer, rather than as assaults or murders by police officers.

Defendant **LEHRMANN**, like every sworn officer with NOPD, had been trained about the proper use of physical force, including deadly force, and about the

consequences for a use of excessive force. The defendant, along with every other sworn NOPD officer, was taught that one of the consequences of an excessive use of force was that the FBI could investigate the incident as a criminal matter. The defendant and every other sworn NOPD officer also learned that an incident of excessive force could result in a federal civil suit and/or criminal prosecution in federal court.

During the course of the cover-up, defendant **LEHRMANN** spoke to shooters involved in the incident and talked to them about their versions of what happened on the bridge. Defendant **LEHRMANN** also talked to other officers and supervisors who responded to the scene. At no point did anyone ever mention a suspect who had gotten away. At no point did anyone ever mention a civilian on the bridge with an assault rifle. At no point did anyone ever mention Lance Madison having admitted that either he or his brother had possessed or fired a gun on the bridge that day.

For four years, defendant **LEHRMANN** knew that NOPD officers had committed the crimes of obstruction of justice (in violation of 18 U.S.C. § 1519) and engaging in misleading conduct (in violation of 18 U.S.C. § 1512(b)(3)), and failed to report those crimes to federal authorities.

Both the Government and the defendant, **JEFFREY LEHRMANN**, do hereby stipulate and agree that the above facts are true, and that they set forth a sufficient factual basis for the crime to which the defendant is pleading guilty. Both the government and the defendant also agree that this factual basis does not contain all of the relevant

information known to the defendant. This is a sufficient factual basis, but it is not an exhaustive statement by the defendant.

READ AND APPROVED this _____ day of March 2010.

JEFFREY LEHRMANN
Defendant

DATE

DAVIDSON EHLE
Counsel for Defendant

DATE

BARBARA "BOBBI" BERNSTEIN
Deputy Chief, Civil Rights Division
U.S. Department of Justice

DATE

JULIA K. EVANS
Assistant United States Attorney

DATE